

Annex G

Transposition Note for Directive 2002/44/EC on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (vibration) (Sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), transposed by the Control of Vibration at Work Regulations 2005

Article	Purpose	Implementation	Responsibility
1 paras 1-3	Aim and scope - to lay down minimum requirements for the protection of workers from risks to their health and safety arising from exposure to mechanical vibration at work, without prejudice to the operation of the Framework Directive 89/391/EEC.	The Control of Vibration at Work Regulations 2005 (CVWR 2005) reg. 3(1). Protection extends to others affected by the work and to the self-employed - CVWR 3(4) and (5). The Management of Health and Safety at Work Regulations 1999 implement Framework Directive 89/391/EEC and are applicable to the whole field where CVWR 2005 apply.	The Secretary of State by new Regulations, the Control of Vibration at Work Regulations 2005 (CVWR 2005). No action required for the Management of Health and Safety at Work Regulations 1999.
2	Definitions of hand-arm vibration (HAV) and whole-body vibration (WBV).	CVWR 2005 reg. 2(1) defines inter alia hand-arm vibration (HAV) and whole-body vibration (WBV).	The Secretary of State by CVWR 2005.

Article	Purpose	Implementation	Responsibility
3 paras 1 and 2	Establishes exposure action values (EAVs) and exposure limit values (ELVs) for HAV and WBV	CVWR 2005 reg. 4(1) and (2) and Schedules 1 Part I and 2 Part I.	The Secretary of State by CVWR 2005.
4 paras 1-3	Levels of vibration to be assessed and if necessary measured. Assessment may be by means of observation of specific working practices and reference to relevant information. Assessment and measurement to be carried out by competent services, and data obtained therefrom preserved.	Assessment and measurement - CVWR 2005 reg. 5(1) and (2). Preservation of data - CVWR 2005 reg. 5(1). Competent services - CVWR 2005 reg. 8(4) and the Management of Health and Safety at Work Regulations 1999 reg. 7.	The Secretary of State by CVWR 2005. No action required for the Management of Health and Safety at Work Regulations 1999.
4 para 4	Matters to be given particular attention in risk assessment.	Included in list in CVWR 2005 reg. 5(3).	The Secretary of State by CVWR 2005.
4 para 5	Recording and updating of risk assessment.	CVWR 2005 reg. 5(4) and (5).	The Secretary of State by CVWR 2005.
5 paras 1 and 2	Risk to be eliminated at source or reduced to a minimum, based on general principles of prevention in Framework Directive 89/391/EEC Article 6(2). If EAVs are exceeded, a programme of measures to reduce exposure to vibration to a minimum must be introduced, taking into account in particular a list of considerations.	Elimination and reduction - CVWR 2005 reg. 6(1) and Management of Health and Safety at Work Regulations 1999 Schedule 2. Programme of measures - CVWR 2005 reg. 6(2). List of considerations - included in list in CVWR 2005 reg. 6(3).	The Secretary of State by CVWR 2005. No action required for the Management of Health and Safety at Work Regulations 1999.

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5 para 3	Workers not to be exposed above ELVs and immediate actions to be taken if an ELV is exceeded.	CVWR 2005 reg. 6(4).	The Secretary of State by CVWR 2005.
5 para 4	Measures taken to be adapted for workers at particular risk.	CVWR 2005 reg. 6(6).	The Secretary of State by CVWR 2005.
6	Workers to receive information and training in relation to findings of risk assessment, and particular subjects to be addressed.	CVWR 2005 reg. 8(1) to (4).	The Secretary of State by CVWR 2005.
7	Consultation and participation of workers in accordance with Framework Directive 89/391/EEC Article 11.	Implemented by Safety Representative and Safety Committee Regulations 1977 and Health and Safety (Consultation with Employees) Regulations 1996.	No action required.

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8 paras 1 and 2	Health surveillance of workers to be ensured where there is a risk to health of workers and health surveillance is appropriate, and individual health records to be kept of such surveillance.	Health surveillance in case of risk - CVWR 2005 reg. 7(1). Circumstances where surveillance appropriate - CVWR 2005 reg. 7(2). Personal health records - CVWR 2005 7(3).	The Secretary of State by CVWR 2005.
9	Transitional periods for operation of limit values available to member states for work equipment first provided before 6 July 2007- not to apply until 6 July 2010 for all equipment and until 6 July 2014 in agriculture and forestry, after consultation.	After consultation under Health and Safety at Work etc. Act 1974 section 50(3), Great Britain uses 6 July 2010 transition period for all equipment - CVWR 2005 3(2), and 6 July 2014 transition period for WBV only - CVWR 2005 3(3).	The Secretary of State by CVWR 2005.
10 paras 1 and 3	Derogation available to member states where it is impossible to comply with ELV for WBV in sea and air transport, after consultation.	Exemptions may be granted by Health and Safety Executive in case of air transport on conditions including consultation of employers and employees concerned - CVWR 2005 10(1) and (2). Maritime implementation of Directive will be by separate Regulations made by Maritime and Coastguard Agency.	The Secretary of State by CVWR 2005, in the case of air transport only.
10 paras 2 and 3	Derogation available to member states after consultation where exposure varies - usually below EAV but may occasionally exceed ELV, and risk from weekly average exposure is below that from exposure at ELV.	After consultation under Health and Safety at Work etc. Act 1974 section 50(3), Great Britain allows for weekly averaging, subject to conditions - CVWR 2005 6(5).	The Secretary of State by CVWR 2005.
10 para 4	Derogations to be listed to European Commission with reasons every 4 years.	Administrative action for Health and Safety Executive.	No legislative action required.

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11 -12	Procedure for technical amendments to Schedules and provision for Committee to assist Commission.	Administrative procedures at Community level.	No legislative action required.
13 - 16	Miscellaneous final provisions including transposition deadline of 6 July 2005.	Administrative actions for Health and Safety Executive, save that CVWR 2005 to come into force by date shown on instrument.	No legislative action required beyond coming into force of CVWR 2005.
Annexes A and B	Methods for assessment and measurement of exposure for HAV and WBV	CVWR 2005 sets out methods of ascertaining exposure levels in Schedule 1 for HAV and in Schedule 2 for WBV. Certain detailed provisions of the Directive Annexes are transposed in the main text of CVWR 2005.	The Secretary of State by CVWR 2005.